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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,737	01/14/2004	Wolfgang Klausberger	PD030012	4866
24498	7590	06/27/2006	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			TRAN, QUOC A	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/757,737

Applicant(s)

KLAUSBERGER ET AL.

Examiner

Quoc A. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. EPO 03000899 filed 1/16/2003.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/14/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responsive to Application filed 01/14/2004, benefit from foreign priority EPO 03000899 filed 1/16/2003.
2. Claims 1-2 are currently pending in this application. Claims 1, 9 and 10 are independent claims.

#### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

4. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter for the reason set forth below:

Regarding claims 1-9 set forth functional descriptive material but fail to produce a Practical Application Result.

Claims 1-9 features, “ **Method of assigning a first absolute time value... ..**”, Which produces a data structure, however it is not practical, since the claimed limitation fail to produce Practical Application That Produces a Useful and Tangible Result two of the three tests of 35 U.S.C. § 101 (i.e. Practical Application That Produces a Useful, Concrete, and Tangible Result), thus the claimed invention is directed to non-statutory subject matter (see Claims pages 8-9).

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

7. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Weaver et al. US006578070B1 filed 07/13/1999 (hereinafter Weaver).

**In regard to independent claim 1, Method of assigning a first absolute time value to an entry point, wherein the entry point is located at a first position in a data stream sequence,** (see Weaver at co. 19, lines 15-20), discloses absolute time values are supported by storing an absolute time value that corresponds to the "zero" relative time value (i.e. "zero" relative time value of a data stream would have been an various variant of the entry point is located at a first position in a data stream as claimed, to a person of ordinary skill in the art at the time the invention was made),

**and the data stream having data packets with relative time stamps,** (see Weaver at co. 19, lines 5-15), discloses tag information includes timestamp information for each of the frames in the corresponding content data. For the purposes of decoding, the timestamp information typically represents time relative to the beginning of a feed (i.e. the "presentation time"), and is mapped to the byte offset in the content file of the frame that corresponds to that presentation time,

Weaver does not explicitly teach, **said method including the steps of: providing a second absolute time value for a second position of the data stream sequence, determining the absolute time value for the entry point based on the second absolute time value and the**

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**relative time stamps of data packets between the first and second positions**, however (see Weaver at col. 19, lines 25-55), discloses the timestamp values "wrap" and begin again at zero, wherein the transport formats of digital video provide a fixed number of bits (e.g. 33 bits) to represent timestamps. For continuous feed environments, the relative timestamp values will inevitably reach numbers that cannot be represented by the number of bits available in the transport format. When this occurs, the timestamp values "wrap" and begin again at zero.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have reads the timestamp values "wrap" and begin again at zero, wherein the transport formats of digital video provide a fixed number of bits (e.g. 33 bits) to represent timestamps. For continuous feed environments, the relative timestamp values will inevitably reach numbers that cannot be represented by the number of bits available in the transport format. When this occurs, the timestamp values "wrap" and begin again at zero of Weaver's teaching as an various variant of second absolute time value for a second position of the data stream sequence, determining the absolute time value for the entry point based on the second absolute time value and the relative time stamps of data packets between the first and second positions. One of ordinary skill in the art would have been motivated to modify this combination, because the timestamp values "wrap" and begin again at zero is resulting from comparing between the previous absolute time values and the current absolute time values to a fixed number of bits (e.g. 33 bits) to represent timestamps of the receiving MPEG file from the stream server and therefore, when a client specifies playback from an absolute time, the absolute time value associated with "zero" is subtracted from the specified absolute time value to yield a relative time value. The relative time value is then used by stream server to identify the appropriate tag information, and

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the tag information is used by stream server to cause video pump to begin sending content from the appropriate location in the content file utilizing the timestamp values “wrap” (see Weaver at col. 19 lines 5-55).

**In regard to independent claim 9**, is directed to computer program product for implementing the method of claim 1 which cited above, and is similarly rejected under the same rationale.

**In regard to independent claim 10**, is directed to electronic device for implementing the method of claim 1 which cited above, and is similarly rejected under the same rationale.

**In regard to dependent claim 2**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**including the step of generating a table comprising entry points of at least first and second data stream sequences**, (see Weaver at col. 7, lines 40-55).

**In regard to dependent claim 3**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**including the steps: receiving first and second data stream sequences; providing second absolute time values for said first and said second data stream sequences; using said second absolute time values of said first data stream sequence to determine the first absolute time value of a first entry point of said first data stream sequence; using said second absolute time value of said second data stream sequence to determine the first**

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**absolute time value of a second entry point of said second data stream sequence**, (see Weaver at co. 19, lines 5-55).

**In regard to dependent claim 4**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**wherein said second absolute time value is received as part of the data stream sequence**, (see Weaver at col. 19, lines 25-55 and col. 7, lines 30-35), discloses the timestamp values "wrap" and begin again at zero, wherein the transport formats of digital video provide a fixed number of bits (e.g. 33 bits) to represent timestamps. For continuous feed environments, the relative timestamp values will inevitably reach numbers that cannot be represented by the number of bits available in the transport format. When this occurs, the timestamp values "wrap" and begin again at zero, and sequence of transport package.

**In regard to dependent claims 5-6**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**wherein said second absolute time value is received via a separate channel and wherein said separate channel is a teletext or Internet channel**, (see Weaver at col. 4, lines 60-65), discloses Audio-visual information delivery system 100 generally includes an encoder 101, a video server 106, a Media Data Store (MDS) 112, a database 116, a stream server 118, a video pump 120, and a client 122 and (see Weaver at col. 16, line 55 through col. 17, line 5), discloses broadcast over a digital channel.

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**In regard to dependent claim 7**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**the relative timestamps being MPEG-type timestamps**, (see Weaver at col. , lines 5-15), discloses MPEG-1, MPEG-2 and indicator of video access points, timestamp.

**In regard to dependent claim 8**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**the data stream being a DVR, DVD or DVB-type data stream**, (see Weaver at col. 16, line55 through col. 17, line 5), discloses broadcast over a digital channel.

**In regard to dependent claim 11**, incorporate substantially similar subject matter as cited in claim 8 above, and is similarly rejected along the same rationale.

**In regard to dependent claim 12**, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

**further including means for editing of first and second data stream sequences by making reference to an absolute time axis**, (see Weaver at col. 19, line5-25), discloses an example wherein a user would want to request playback beginning at Jan. 21, 1997 16:30:23, rather than beginning at 5,345,789.76 seconds from the time a station began broadcasting, since absolute time values are supported by storing an absolute time value that corresponds to the "zero" relative time value. Therefore, when a client specifies playback from an absolute time, the absolute time value associated with "zero" is subtracted from the specified absolute time value to



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yield a relative time value, wherein the relative time value is then used by stream server 118 to identify the appropriate tag information, and the tag information is used by stream server 118 to cause video pump 120 to begin sending content from the appropriate location in the content file 134, using broadest interpretation the Examiner reads the above as a various inherent of editing of first and second data stream sequences by making reference to an absolute time axis as claimed (i.e. in order for the client to specifies playback from some instant of an absolute time, would have to inherent some type of editing and displaying to the client so that the specifies playback from an absolute time could be executed, to a person of ordinary skill in the art at the time the invention was made.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sull et al	US 20050193425A1	issued	09/01/2005
Veltman	US005396497A	issued	03/07/1995

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 8 AM to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A, Tran*  
*Patent Examiner*  
*Technology Center 2176*  
*June 21, 2006*

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**